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P.2

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Joseph R. BYRUM *et al.*

Appln. No.: 09/206,040

Filed: December 4, 1998

For: Nucleic Acid Molecules and Other  
Molecules Associated with Plants

Art Unit: 1632

Examiner: Scott D. Priebe

Atty. Docket: 16517.137/  
38-21(15446)BRequest for Decision by the  
Board of Patent Appeals and InterferencesCommissioner for Patents  
Washington, DC 20231

Sir:

Applicants do not plan to file a Reply Brief in the above-captioned matter. As such, Applicants hereby request that this matter be forwarded to the Board of Patent Appeals and Interferences for decision. No oral hearing is requested in this matter.

No fees are believed to be due at this time. In the event that extensions of time under 37 C.F.R. § 1.136 or other fees are required to prevent abandonment of this appeal or this patent application, then such extensions of time are hereby petitioned. The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 50-1824 referencing docket number 16517.137.

Respectfully submitted,

David R. Marsh (Reg. No. 41,408)  
June E. Cohan (Reg. No. 43,741)Date: September 27, 2001

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I hereby certify that the foregoing Request for Decision by the Board of Patent Appeals and Interferences is being facsimile transmitted to the attention of Scott D. Priebe via facsimile number (703) 308-8724.

  
David R. MarshSeptember 27, 2001  
Date

ARNOLD &amp; PORTER

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September 27, 2001

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September 27, 2001

Commissioner for Patents  
Washington, DC 20231

Group Art Unit: 1632  
Examiner: Scott D. Priebe

Re: U.S. Utility Patent Application Serial No. 09/206,040  
Filed: December 4, 1998  
For: Nucleic Acid Molecules and Other  
Molecules Associated with Plants  
Inventors: Joseph R. BYRUM *et al.*  
Atty. Docket: 16517.137 (38-21(15446B))

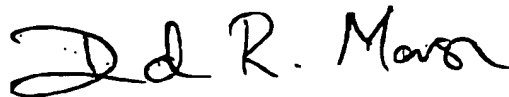
Sir:

Transmitted herewith for appropriate action by the U.S. Patent and Trademark Office (PTO) is a Request for Decision by the Board of Patent Appeals and Interferences (including certification of facsimile transmission).

In the event that extensions of time (other than those provided herewith) are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 50-1824.

Sincerely,



David R. Marsh (Reg. No. 41,408)  
June E. Cohan (Reg. No. 43,741)

Enclosures